

**CHAPTER xxxiv.**

An Act to authorise the Harrow and Stanmore Railway  
Company to deviate a portion of their authorised Railway ;  
and for other purposes. A.D. 1888.  
—  
[28th June 1888.]

**W**HEREAS by the Harrow and Stanmore Railway Act, 1886 (in this Act referred to as “the Act of 1886”), the Harrow and Stanmore Railway Company (herein-after called “the Company”) were incorporated and empowered to make a railway in the county of Middlesex, and to raise sixty thousand pounds by shares, and to borrow twenty thousand pounds on mortgage :

And whereas it is expedient to authorise the Company to deviate a portion of the railway and to reduce the capital authorised by the Act of 1886 :

And whereas by the Act of 1886 the periods for the compulsory purchase of lands and the completion of the railway were limited to two years and three years respectively from the passing of that Act, and it is expedient that those periods be extended :

And whereas plans and sections describing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Middlesex, and are herein-after referred to as the deposited plans, sections, and books of reference :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty, that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

**[Ch. xxxiv.]      Harrow and Stanmore Railway      [51 & 52 Vict.]**  
**Act, 1888.**

A.D. 1888. Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Short title.      **1.** This Act may be cited for all purposes as the Harrow and Stanmore Railway Act, 1888.

Incorporation of general Acts.      **2.** The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as amended by the Lands Clauses (Umpire) Act, 1883 (herein-after called “the Lands Clauses Acts”), the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.      **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression “superior courts,” or “court of competent jurisdiction,” or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railway.      **4.** Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railway herein-before referred to and authorised by this Act will be situate in the county of Middlesex, and is as follows:—

A deviation, one mile six furlongs and six chains in length, of Railway No. 3, described and authorised by the Harrow and Stanmore Railway Act, 1886, commencing in the parish of Harrow-on-the-Hill, at a point nine chains or thereabouts from the commencement of the said authorised Railway No. 3, as measured on the centre line shown on the plans thereof, deposited with the clerk of the peace for the county of Middlesex, at the Sessions House, Clerkenwell Green, in the month of November, one thousand eight hundred and eighty-five, and terminating in the parish of Great Stanmore, at a point on the west side of the public road known as Old Church



Lane, three hundred and seventy-five yards or thereabouts, measured in a south-easterly direction from the south-east corner of St. John's Church at Stanmore. A.D. 1888.

5. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the twenty-fifth day of June, one thousand eight hundred and eighty-eight. Period for compulsory purchase of lands.

6. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c., by agreement.

7. Section 30 of the Act of 1886, for the protection of main roads and bridges in the county of Middlesex, shall apply and have effect as regards the deviation railway by this Act authorised as fully and effectually and to the same extent as if the said section were repeated herein and made applicable to the said deviation. Application of section 30 of Act of 1886 to deviation railway.

8. Notwithstanding anything shown on the deposited plans and sections, the following provisions for the protection and maintenance of roads, footpaths and sewers within the district of the rural sanitary and highway authority of the Hendon Union (herein-after called "the local authority") shall have full force and effect:— For protection of the Hendon Union.

(1.) The Company shall carry the public road called Kenton Lane, numbered on the deposited plans 25, in the parish of Harrow-on-the-Hill, over the railway by a bridge, and such bridge, with the approaches, shall be not less than forty feet in clear width, and the approaches on either side not steeper than 1 in 30;

(2.) If at any time after the construction of the railway the local authority by writing under their common seal require the Company to carry over the railway the public footpath across the fields, numbered, in the parish of Harrow-on-the-Hill, 16 and 18 on the deposited plans, and the public footpath in the fields in the parish of Great Stanmore numbered 1, 4, 6 and 7 on the said plans, or either of such footpaths, the Company shall construct a proper and convenient bridge or bridges

A.D. 1888.  
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for carrying the same over the railway accordingly, and each such bridge shall have a clear width of not less than six feet with steps of eleven inch tread and five inch rise ;

(3.) All bridges and the approaches thereto, and so much of any road or footpath as shall be altered or diverted by the Company, shall be formed, maintained and provided with suitable drainage, curbing, paving and channelling of such a character, materials and design, and in positions to be approved by the local authority, and shall be at all times drained, paved, maintained and kept in a proper state of repair by and at the expense of the Company, but the Company shall not be required to pave any bridge or footpath unless and until the road or footpath adjoining shall be paved ;

(4.) Where the railway will cross a sewer about to be constructed by the local authority near Great Stanmore, in the line and levels shown on the plan submitted by the local authority's surveyor, the pipes shall be jointed in cement and bedded in concrete, or such other reasonable precautions shall be taken as the Company's engineer may deem necessary, and the extra cost of such additional precautions shall be defrayed by the Company within one month after the account thereof shall have been furnished to them, on completion of the work. All such works on the Company's land shall be done to the satisfaction of the Company's engineer. In the event of the Company proceeding with the construction of their railway and works before the local authority shall have constructed the said sewer, the Company shall be at liberty to construct the same through their lands, and the local authority shall pay to the Company the cost of providing and laying such pipes, but not including the extra cost of works required for the protection of the Company ; such payment shall be made within one month of the completion thereof, on the account being presented by the Company, subject nevertheless to the provisions of sub-section six herein-after contained ;

(5.) The Company shall not commence any such works as afore-said until they have first delivered at the office of the surveyor of the local authority plans and drawings of the works, intended to be executed so far as they affect the sewers or the levels, spans and heights of the said bridges or roads, nor until the said plans and drawings shall have been approved by the surveyor, such approval being not unreasonably delayed or withheld, and in the event of the surveyor not indicating any disapproval of the said plans and drawings within fourteen



days of their being so delivered, the Company shall be entitled to consider the same approved and to proceed with the works accordingly; and in case of disapproval or disagreement between the surveyor and the engineer of the Company, the same may be referred to an umpire to be appointed by the Board of Trade;

A.D. 1888.

- (6.) The Company shall execute all such works save as aforesaid at their sole expense, and under the superintendence and to the reasonable satisfaction of the surveyor, whose reasonable charges incident to the approval of the said plans and drawings, and to his superintendence of the works shall be paid by the Company; and the Company shall, at the like expense, subsequently maintain the same, and all works executed by the Company incidental thereto, in good substantial condition to the reasonable satisfaction of the surveyor.

9. The railway by this Act authorised shall be constructed so as not in any manner to prevent, obstruct or interfere with the use of or rifle practice at the existing rifle range of the First Middlesex Volunteer Rifle Corps at any portion or firing point of the said rifle range up to and including the distance of one thousand yards from the existing butts of the said rifle range.

Railway not to interfere with rifle range of First Middlesex Volunteer Rifle Corps.

10. The Company shall not under the powers of this Act, without the consent of the Local Government Board, purchase or acquire in any urban sanitary district, or any parish or part of a parish not being within an urban sanitary district ten or more houses which, after the passing of this Act have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers.

Provisions respecting houses occupied by labouring class.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

11. If the railway is not completed within three years from the twenty-fifth day of June, one thousand eight hundred and eighty-eight, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.



A.D. 1888.

Railway and  
works to  
form part of  
Company's  
undertaking.

Company to  
abandon  
portion of  
line autho-  
rised by Act  
of 1886.

Compensa-  
tion for  
damage to  
land by  
entry, &c.,  
for purpose  
of railway  
abandoned.

Compensa-  
tion to be  
made in  
respect of  
portion of  
railway  
abandoned.

Power to  
apply funds  
to purposes  
of Act.

**12.** The railway by this Act authorised, shall, for the purposes of tolls and charges, and all purposes whatsoever, be part of the railway of the Company, as if authorised by the Act of 1886.

**13.** The Company shall abandon so much of Railway No. 3, authorised by the Act of 1886, as was intended to be situate between the commencement of the deviation railway herein-before described, and the termination of the said authorised railway in the parish of Great Stanmore.

**14.** The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway; and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1886.

**15.** Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands, but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

**16.** The Company may apply to the purposes of this Act, to which capital is properly applicable, any of the moneys which they have raised, or have power to raise, by virtue of the Act of 1886, as reduced by this Act, and which may not be required for the



purposes to which they are by the Act of 1886 made specially applicable. A.D. 1888.

17. On and after the passing of this Act the powers conferred upon the Company by the Act of 1886 with reference to the raising of capital by shares and by borrowing, shall be, and are hereby, limited as follows: The capital which the Company may raise by shares is hereby restricted to the sum of thirty-six thousand pounds, and the sum which the Company may from time to time raise by mortgage or debenture stock is hereby restricted to the sum of twelve thousand pounds. Reducing capital of Company.

18. The powers of the Company for the compulsory purchase of land for the purposes of the railways authorised by the Act of 1886 (other than the portion of Railway No. 3 abandoned as aforesaid) are hereby extended and shall continue in force for two years from the twenty-fifth day of June, one thousand eight hundred and eighty-eight; and the time for the completion of the same railways is hereby extended and shall continue in force for two years from the twenty-fifth day of June, one thousand eight hundred and eighty-nine; and sections 33 and 34 of the Act of 1886 shall be read and construed as if the extended time granted by this section for the completion of the railway was the time limited for the same purpose by the Act of 1886. Extension of time for land and works authorised by Act of 1886.

19. Nothing in this Act contained shall exempt the railways of the Company from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels. Provision as to general railway Acts.

20. All costs, charges and expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

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